

PLANNED DEVELOPMENT PERMIT

FILE NO.	PD18-039
LOCATION OF PROPERTY	Southwest side of the terminus of Technology Drive (1601 Technology Drive)
ZONING DISTRICT	A (PD) Planned Development Zoning District (File No. PDC13-041)
GENERAL PLAN DESIGNATION	Industrial Park
PROPOSED USE	Planned Development Permit to allow the construction of a nine-story and one-story industrial office buildings for a total of approximately 350,000 square feet of buildings area, a five-story parking garage, the installation of an on-site standby generator, and the removal of seven ordinance size trees on an approximately 5.29-gross acre site.
ENVIRONMENTAL STATUS	Determination of Consistency to the Final Program Environmental Impact Report for the North San José Development Policies Update, and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, Supplemental Environmental Impact Report, and addenda thereto
OWNER/ADDRESS	Hudson Skyport Plaza Land, LLC 11601 Wilshire Boulevard, 9 th Floor Los Angeles, CA 90025

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as facts and findings for this proposed project:

1. **Project Description.** A Planned Development Permit to allow the construction of a nine-story and one-story industrial office buildings for a total of approximately 350,000 square feet of buildings area, a five-story parking garage, the installation of an on-site standby generator, and the removal of seven ordinance size trees on an approximately 5.29-gross acre site.

2. **Site Description and Surrounding Uses.** The subject site is bounded by a hospital to the north, State Route 87 (Guadalupe Freeway) on the west, Sonora Avenue to the south, and technology Drive to the east. The surrounding and uses include Rosemary Gardens, a single-family neighborhood to the south, the San Jose International Airport to the west, and a commercial office, a bank, an extended-stay hotel, and a multi-family residential development to the east.
3. **General Plan Conformance.** The subject site is designated as Industrial Park on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan. The Industrial Park land use designation is intended for a wide variety of industrial uses such as research and development, manufacturing, testing, and offices.
 - a. **North San José Development Policy.** The City developed several policy documents in order to guide the ongoing growth and development of the North San Jose area as a key employment center for San Jose. The North San Jose Area Development Policy works in conjunction with the General Plan to facilitate employment and development in North San Jose. This policy supports economic activity in the North San Jose area by encouraging the creation of up to 80,000 new jobs along the North San Jose First Street corridor. The project site is within this corridor and will be a critical source for the City to meet its employment goals. This policy is also designed to attract large corporations to this particular area of the City by allowing larger and denser commercial and industrial development. This project involves the construction of an approximately 350,000 square foot office building, which is the type of project encouraged by the policy. As such, this project is in conformance with the North San Jose Development Policy.
 - b. **Rincon South Specific Plan.** The Plan outlines a vision for redevelopment and acts as a conduit for large volumes of traffic related to Silicon Valley jobs, the Airport, and the presence of three freeways. The Plan addresses how the area will develop in recognition of the large growth pressure and in response to city wide and regional objectives as well as local and neighborhood considerations. The project site is within the boundaries of the Plan and is consistent with the following design guidelines:
 - i. **Promote and Maintain High-Quality Office Development**
 - 1) High quality office development is an important component of the City's economic development strategy since the jobs created improve the City's overall jobs/housing balance, create employment opportunities for City residents, and enhance City revenues. The area's high visibility and proximity to numerous important roadways and the Airport make it attractive for high quality office development. Most new office development in the Rincon south area is expected to occur on the vacant or older industrial properties as much of the area is already occupied by fairly recent office development which is expected to have a relatively long economic life.
 - Improve the quality of streetscape/landscape throughout the Office Park area.
 - Promote increased transit use by office employees
 - ii. **General Building Orientation and Design – Building Orientation to Streets and Parks**

- 1) The development of street presence is an urban design goal for Rincon South. This is particularly important for North First Street, as part of the implementation of the Guadalupe Intensification Corridor. In general, it is a desirable quality for all of Rincon south and should be specifically promoted for new development along Skyport Drive, Sonora Avenue, Metro Drive, North Fourth Street, Archer Street, Kerley Drive, and Gish Road.
 - Blank building facades along these streets should always be avoided.
 - Parking structures that face streets should be screened to minimize their impact on the streetscape.

iii. General Building Design

- 1) Because of the high value of land and limited land supply within Rincon South, all structural improvements should be of the highest quality. High quality architectural design of an urban nature will be expected for all new construction throughout Rincon South. Distinctive design proposals are encouraged.
 - All mechanical equipment should be screened from public view.
 - Tall buildings should have clearly articulated tops, middles, and bottoms, distinguished by variations in architectural treatment, including human scale elements at the ground floor level.

iv. Land Use and Design Policies – Sub-Areas

- 1) Four sub-areas have been designated within Rincon South. Each sub-area has a distinct character and is treated differently, which specific policies outlined for the immediate area. The subject site is located in the sub-area known as Technology Park. The following design policies are more specific to the designated sub-area:
 - *Technology Park Sub-area*
 - a) This sub-area contains the majority of Rincon South's high technology office and industrial development and is an important part of North San Jose – the key economic engine of the City.
 - b) New development in this area should be designed to be transit oriented and pedestrian friendly

Analysis: The office development would occur on a vacant site and would improve the quality of the streetscape and landscape by providing large sidewalks and pedestrian access throughout the site, along with a large plaza entrance area where tenants can occupy, and active space next to Technology Drive. There are no blank building facades along Technology Drive, and the parking structure located in the rear of the site is screened. The mechanical equipment is either located inside a building or located on the top of the building hidden from view. The office building has a distinguished bottom, middle, and top, with activated ground floor spaces along the street frontage and towards the plaza area. The front entrance is pushed outward from the main building, and is situated along the southern façade, adjacent to the plaza, which leads to the street where tenants using public transit would access.

4. **Zoning Conformance.** The subject site is in the A(PD) Planned Development Zoning District (File No. PDC13-041).

- a. **Development Standards.** The General Development Standards set forth the allowed uses in the A(PD) Zoning District. The development of the site is limited to 350,000 gross square feet of office.
 - i. No vehicular access to the project site shall be allowed from Sonora Avenue
 - ii. Setbacks:
 - 1) Sonora Drive – Along Sonora Drive buildings shall have a 25-foot setback.
 - iii. Building Height – The maximum height of development shall be 150 feet, including all equipment enclosures.
 - 1) At a setback distance of 150 feet from the street curb from Sonora Avenue, the building height may increase to 150 feet.
 - iv. Parking – One space for each one per 350 net square feet of office space.
 - v. Performance Measures – Conform to the IP Industrial Zoning District.
 - 1) 55 maximum noise level in decibels at residential property line
 - 2) 60 maximum noise level in decibels at commercial property line
 - 3) 70 maximum noise level in decibels at industrial property line

Analysis: The project includes an office development with a maximum gross square footage of 350,000 square feet, which is consistent with the uses allowed for this site. There is no vehicular access to the project site from Sonora Avenue, and the main office building has a maximum height of 150 feet and is situated more than 150 feet away from Sonora Avenue. The amount of parking required is 850 vehicle parking spaces and a total of 1063 vehicle parking spaces is provided. Therefore, the project is consistent with the development standards.

The standby generator would be screened by metal panels and is located behind the garage structure, away from the residential properties. The standby generator would only operate under emergency situations and according to the generator specification sheet provided, the standby generator is equipped with non-hydroscopic sound attenuating material with a sound attenuated enclosure and would therefore not exceed maximum noise level decibels at the adjacent residential and industrial property lines.

5. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
 - a. A Determination of Consistency with the North San José Development Policies Updated Final Environmental Impact Report (Resolution No. 72768), Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617) and Addenda thereto, was made.
6. **Planned Development Permit Findings.** Section 20.100.940 of the San José Municipal Code establishes the required findings for issuance of a Planned Development Permit.

- a. The Planned Development Permit, as approved, furthers the policies of the General Plan land use and policies in that the proposed site improvements will enhance the overall industrial park area. As described above, the proposed project is consistent with the North San José Development Policy and the Rincon South Specific Plan. Additionally, the proposed project is consistent with and will further these policies of the General Plan:

- Land Use and Employment Policy IE-1.5 Promote the intensification of employment activities on sites in close proximity to transit facilities and other existing infrastructure, in particular within the Downtown, North San Jose, the Berryessa International Business Park, and Edenvale.

Analysis: The project site is located next to State Route 87 (Guadalupe Freeway), the San Jose International Airport, and other public transportation routes. The office development is within the North San Jose growth area and provides employment activities on site in close proximity to transit facilities.

- b. The Planned Development Permit conforms to the planned development zoning of the property.

Analysis: As described above, the development of an office complex is consistent with the general development standards of the Planned Development Zoning District, PDC13-041. The office buildings and related parking structure are within necessary setbacks and height requirement, and provide at least the minimum parking requirements as described above.

- c. The Planned Development Permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency.

Analysis: The project is consistent with the Public Noticing and Public Outreach City Council Policies. On-site signs describing the proposed project were posted on the project site. The project has been noticed for public hearing to a radius of 1000 feet, consistent with the Public Outreach City Council Policy.

- d. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious.

Analysis: The development features the main office building situated adjacent to Technology Drive and the associated parking garage is located at the rear of the site. The massing of each building is appropriately setback from Sonora Avenue, and each other. The site features complementary pedestrian access from the garage to the office entrances and the site includes pedestrian pathways throughout the site. The elevations of the garage building provide necessary shielding and features elements similar and compatible with the office structure.

- e. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

Analysis: As described above, a determination of consistency was prepared to reflect an independent judgement and analysis of the project. The temporary construction of the proposed project will not have an unacceptable negative effect on adjacent property or properties because of City limitations on construction hours and the required mitigation measures and permit conditions. The project will also implement standard permit

conditions in accordance with City standards and regulations for construction and operation. The proposed project has been evaluated to be in compliance with the City's stormwater requirements and provides on-site bio-treatment.

7. **Tree Removal Permit Findings.** Section 13.32.100 of the San José Municipal Code establishes required findings for issuances of a Live Tree Removal Permit.
- a. That the location of the trees with respect to the proposed improvement unreasonably restrict the economic development of the parcel in question. The trees proposed for removal are located within the new parking and landscaping areas.

Analysis: The project involves the removal of 7 ordinance size trees. The trees proposed to be removed are located within close proximity to the structures. A total of 25 trees at the size of 24-inch box and one tree at the size of 15 gallons will be replaced on-site, consistent with the City's replacement ratios.

In accordance with the findings set forth above, a Planned Development Permit and Tree Removal Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire two years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.

4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
5. **Conformance to Plans.** The development of the site shall conform to the approved Planned Development Permit Amendment plans entitled, “Cloud 10”, last dated June 28, 2019 on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes.
6. **Conformance with Approved Zoning and Environmental Clearance.** All applicable conditions of approval and required environmental mitigation measures from the previously approved Planned Development Zoning, File No. PDC13-041, remain in effect.
7. **Affordable Housing Financing Plans.** The San José City Council (“City”) approved the Envision San Jose General Plan 2040 (“General Plan”) in 2011. The General Plan provides the framework for development located in San Jose.

The City is in the process of developing financing plans to help fund affordable housing and related amenities and services. The financing plans may include the creation of a (i) Community Facilities District(s); (ii) Enhanced Infrastructure Financing District(s); (iii) Property Based Improvement District(s); (iv) Mitigation Impact Fee program(s); (v) Commercial linkage fee program(s); and/or (vi) other financing mechanisms or combination thereof. For example, the City Council has directed City staff to complete studies and make recommendations related to commercial impact fees to help fund affordable housing. These efforts are on-going and there will continue to be other similar efforts to study various funding mechanisms for affordable housing.

By accepting this Permit including the conditions of approval set forth in this Permit, permittee acknowledges it has read and understands all of the above. Permittee further agrees that prior to the issuance of any building permit, the project shall be subject to, fully participate in, and pay any and all charges, fees, assessments, or taxes included in any City Council approved financing plans related to affordable housing, as may be amended, which may include one or more of the financing mechanisms identified above.

8. **Timing of Tree Removals.** Trees that are proposed for removal to accommodate new development shall not be removed until the related Public Works Grading Permit has been issued.

9. **Tree Protection Standards.** The applicant shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval, and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the applicant to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.
10. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient landscape Standards for New and Rehabilitated Landscaping.
11. **Enhanced Lighting.** The project shall provide enhanced lighting improvements along Sonora Drive by at minimum supplementing existing lights with lighting markers at Sonora Avenue, and also provide low-level lighting in the landscape area at the corner of Sonora and San Juan.
12. **Standby Generator.**
 - a. Operation of a temporary stand-by or backup power generation facility, by definition, shall not exceed a maximum time period of four (4) consecutive months in any twelve (12) month period.
 - b. Testing of generators is limited to 7:00 a.m. to 7:00 p.m., Monday through Friday.
 - c. If the applicable maximum air quality or noise standards are exceeded in the open space, agricultural, or any commercial or industrial zoning district, a Planned Development Permit Amendment is required.
13. **FAA Clearance.**
 - a. Prior to filing an application for a Building Permit, the permittee shall obtain from the Federal Aviation Administration (FAA) a "Determination of No Hazard" for the highest points of the Office Building and Garage. The permittee shall initiate the regulatory FAA review by filing a "Notice of Proposed Construction or Alteration" (FAA Form 7460-1) for the building's proposed highest point(s). The data on the forms should be prepared by a licensed civil engineer or surveyor using NAD83 latitude/longitude coordinates out to hundredths of seconds and NAVD88 elevations rounded off to next highest foot.
 - b. The permittee shall also comply with any FAA conditions identified in the Determination of No Hazard clearances (once issued). If the FAA requires installation of roof-top obstruction lighting or other physical modification to the building, the permittee shall file for a Permit Adjustment to incorporate those requirements into the Planned Development Permit prior to receiving a Building Permit for construction. If the FAA requires a completed construction notification via filing of a "Notice of Actual Construction" (FAA Form 7460-2), such filing shall be completed prior to City issuance of a Certificate of Occupancy.

14. **Avigation Easement.** Prior to the issuance of a Building Permit for construction, the property owner shall grant an Avigation Easement to the City of San Jose. Contact either Cary Greene at cgreene@sjc.org (408-392-3623) or Ryan Sheelen at rsheelen@sjc.org (408-392-1193) of the San Jose Airport Department to initiate the easement dedication process.
15. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
16. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
17. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
18. **Revocation.** This Permit is subject to revocation for violation of any of its provisions or conditions.
19. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
20. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
21. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
22. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
23. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
24. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
25. **Required Vehicular, Motorcycle, and Bicycle Parking.** This project shall conform to the vehicular, motorcycle, and bicycle parking requirements of the Zoning Ordinance/approved Planned Development Zoning, as amended. Any changes to the required vehicular, motorcycle, or bicycle parking requires the issuance of a Permit Adjustment or Amendment to the satisfaction of the Director of Planning.
26. **Mechanical Equipment.** The location and type of mechanical equipment shall be as shown on the Approved Plans and shall be screened from view. Changes to the mechanical equipment requires the issuance of a Permit Adjustment or Amendment to the satisfaction of the Director of Planning.
27. **No Extended Construction Hours.** This Permit does not allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.

28. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
29. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
30. **Reclaimed Water.** The project shall conform to Chapter 15.10 and 15.11 of the San José Municipal Code. The Code addresses the use of reclaimed water including the requirement that an irrigation system be designed to allow for the current and future use of reclaimed water for all landscaped cumulative areas in excess of ten thousand (10,000) square feet.
31. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
- Construction Plans.* This permit file number, PD18-039 shall be printed on all construction plans submitted to the Building Division.
 - Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
 - Project Addressing Plan.* The project applicant shall submit an addressing plan for approval for the subject development.
32. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/index.aspx?nid=2246>.
- Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
 - Transportation:**
 - An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted June 2005. Traffic impacts were identified and resulted in an area wide traffic impact fees. This project is covered under the North San Jose BIR.

- ii. A Traffic Operational Analysis was performed to evaluate the project's effect on transportation, access, and related safety elements in proximity to the project, see separate Traffic memo dated 4/22/2019. The following improvements were identified with the analysis:
 - 1) Narrow the median at the end of the left-turn pockets at the Technology Drive and Skyport intersection.
 - 2) Consistent with North San Jose EIR, this project is required to pay a traffic impact fee. The 2017 fee is \$15.41 per s.f. of Industrial or Office/R&D buildings, \$4,560 per Hotel room, \$21.09 per s.f. for Large Scale Commercial buildings and are subject to an annual escalation of 3.3% on July 1st and the next fee escalation will occur on July 1st, 2019. This fee must be paid prior to issuance of Public Works Clearance. Credits for existing structures on site will be applied to the residential traffic impact fee consistent with the policy and will be prorated with each building permits issued.
- c. Grading/Geology:
 - i. A grading permit is required prior to the issuance of a Public Works Clearance.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10 year storm event.
 - iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - iv. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The report should also include, but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.

- d. Stormwater Runoff Pollution Control Measures: This project must comply with the City's Post Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
 - i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
 - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- e. Stormwater Peak Flow Control Measures: The project is located in a non--Hydromodification Management area and is not required to comply with the City's Post- Construction Hydromodification Management Policy (Council Policy 8-14).
- f. Flood: Zone X: The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for Zone X.
- g. Sewage Fees: In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- h. Assessments: This project is located within Maintenance District 21 (Gateway Place - Airport Parkway), which maintains the enhanced landscaped median islands on Airport Parkway, Metro Drive, and Skyport Drive within the boundaries of the district. Benefiting properties within the district pay for the maintenance through annual assessments placed on the County property tax bills, which are adjusted annually by the Consumer Price Index. The 2018-19 assessment is calculated at approximately \$464-\$580 per acre minus any credits. Future year assessment will continue to be collected through the County property tax bills listed under Tax Code 924 "SJ MAINT DIST #21". Any questions may be directed to Thomas Borden at (408) 535-6831.
- i. Street Improvements:
 - i. Construct 10' wide attached sidewalk with tree wells along Sonora Avenue project frontage.
 - ii. Construct a 20' wide City standard EVA driveway along Sonora Avenue.
 - iii. Construct access connection to existing northern pedestrian trail along Technology Drive and provide public Pathway Easement.
 - iv. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - v. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.

- vi. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
- j. Electrical: Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
- k. Street Trees: The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at back of curb along Sanora Avenue. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
- l. Referrals: This project shall be coordinated with Caltrans due to project vicinity to the Caltrans right-of-way:

Fariba Zohoury
Regional Project
Manager Santa Clara
County Phone: (510)
622-0767

33. **Revocation, Suspension, Modification.** This Planned Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.

APPROVED and issued on this **11th day of December, 2019.**

Rosalyn Hughey, Director
Planning, Building, and Code Enforcement

Deputy